

CARSON CITY LIQUOR AND ENTERTAINMENT BOARD

Minutes of the July 20, 2023 Meeting

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A regular meeting of the Carson City Liquor and Entertainment Board was held during the regularly scheduled Board of Supervisors meeting on Thursday, July 20, 2023, in the Community Center Robert “Bob” Crowell Boardroom, 851 East William Street, Carson City, Nevada.

PRESENT:

Chairperson Lori Bagwell
Member Ken Furlong
Member Stacy Giomi
Member Curtis Horton
Member Lisa Schuette
Member Maurice White

STAFF:

Nancy Paulson, City Manager
Scott Hoen, Clerk-Recorder
Stephanie Hicks, Deputy City Manager
Adam Tully, Deputy District Attorney
Tamar Warren, Senior Deputy Clerk

NOTE: A recording of these proceedings, the board's agenda materials, and any written comments or documentation provided to the Clerk, during the meeting, are part of the public record. These materials are available for review, in the Carson City Clerk's Office, during regular business hours.

14 15. CALL TO ORDER – LIQUOR AND ENTERTAINMENT BOARD

(9:15:29) – Mayor Bagwell called the meeting to order.

15. ROLL CALL

(9:19:36) – Mr. Hoen called roll and noted the presence of a quorum comprising Chairperson Bagwell, Member Ken Furlong, Member Stacey Giomi, Member Curtis Horton, Member Lisa Schuette, and Member Maurice White.

16. PUBLIC COMMENT

(9:19:55) – Chairperson Bagwell entertained public comments; however, none were forthcoming.

17. FOR POSSIBLE ACTION: APPROVAL OF MINUTES – JANUARY 19, 2023

(9:20:09) – Chairperson Bagwell introduced the item and entertained comments/corrections or a motion.

(9:20:19) – Member Giomi moved to approve the minutes of the January 19, 2023, Liquor and Entertainment Board Meeting as presented. The motion was seconded by Member White and carried 6-0-0.

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18. COMMUNITY DEVELOPMENT

18.a. FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING APPLICATION NUMBERS LIQUOR-007940-2023, LIQUOR-007943-2023 AND LIQUOR-007945-2023 (COLLECTIVELY, "APPLICATIONS") FROM SAVE MART SUPERMARKETS LLC FOR PACKAGED LIQUOR LICENSES WITH JOHN NORMAN AS THE LIQUOR MANAGER FOR THREE STORE LOCATIONS: SAVE MART SUPERMARKETS LLC DBA SAVE MART SUPERMARKETS #552 LOCATED AT 3620 NORTH CARSON STREET; SAVE MART SUPERMARKETS LLC DBA SAVE MART SUPERMARKETS #551 LOCATED AT 4348 SOUTH CARSON STREET; AND SAVE MART SUPERMARKETS LLC DBA FOODMAXX #449 LOCATED AT 3325 HIGHWAY 50 EAST.

(9:20:36) – Chairperson Bagwell introduced the item. Community Development Director Hope Sullivan introduced Business License Specialist Natalie Kiel and explained that Staff had conducted 11 liquor hearings for 34 liquor applications, 31 of which were approved and three were denied. She also introduced Business License Assistant Erin Lewis. Ms. Sullivan gave background and presented the Staff Report and supporting documents, including the late material, all of which are incorporated into the record. She explained that the Carson City Sheriff's Office (CCSO) had initially recommended denial of the liquor license application (on June 13, 2023) as the appointee, John Norman, had not submitted his fingerprints for a background check. Since then, according to Ms. Sullivan, Mr. Norman had been fingerprinted by CCSO and had passed the background check. She noted that the CCSO's recommendation had been to appoint Mr. Norman as the overall liquor manager; however, they had also requested that each store appoint an on-site liquor manager within 90 days since Mr. Norman worked and resided in California.

(9:23:59) – Member Giomi was informed that the three managers would undergo the same licensing process as Mr. Norman. He also expresses his displeasure that the three stores “had no liquor manager for a year, and procedurally, we didn't catch that.” Chair Bagwell echoed those sentiments and requested that Mr. Norman explain “why your company ignored the law and did not get a liquor manager for 15 months?” adding that even after being notified, they still had not complied.

(9:26:01) – Mr. Norman accepted responsibility for the delay and stated that he had not realized the urgency of the matter. He added that he was committed to “doing the right thing.” Chair Bagwell explained that to date there had been no penalties for violating the rules and believed that awarding the liquor license would be a reward for the earlier behavior. Mr. Norman noted that his organization would be willing to pay “some kind of fine or penalty.” Chair Bagwell wished to defer the penalty recommendation to the District Attorney's Office, despite the fact that she wished the business to remain in Carson City. She also wished to see the local liquor manager applications received by Staff within seven days and fingerprinting done by CCSO. Member Schuette was informed by Ms. Sullivan that once the CCSO recommendation is received, the Hearing Officer must act on the application in 30 days, and in this case at the time of the hearing with the Liquor Hearing Officer on June 30, 2023, the Health Department had not received the stores' operating procedures which have since been received. Member Schuette referenced a letter in the supporting materials that clearly stated that Mr. Norman seemed “in no hurry to get this done.” Mr. Norman introduced Jennifer Beck who has started the local liquor manager process with the Food Max Store and lived in Carson City. Ms. Beck highlighted the fact that she was born and raised in Carson City and now managed the Food Max Store and explained that she had submitted an application to become

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to sole liquor manager for all three stores. Ms. Sullivan preferred to have an on-site liquor manager in each store. Discussion ensued regarding having an on-site liquor manager in addition to Mr. Norman. Mayor Bagwell was amenable to having an on-site liquor manager act as one in another store in case of a turnover until one is hired in 30 days. Member White believed that Save Mart and Mr. Norman “have shown willingness to operate far outside any reasonable expectations,” adding that they would not get his support “under any circumstances.” Chair Bagwell entertained public comments.

(9:48:44) – Deni French introduced himself as a Save Mart customer and believed that the community had been “vandalized.” He was in favor of fines and fee reimbursements. Chairperson Bagwell entertained a motion.

(9:50:45) – Member Giomi moved to deny the following applications: Liquor-007940-2023, Liquor-007943-2023, and Liquor-007945-2023. The motion was seconded by Member White. Chairperson Bagwell entertained Discussion.

(9:51:09) – Deputy District Attorney Adam Tully cited the specific grounds for denial: unsuitability (a criminal conviction in the past five years), intentionally falsifying or omitting information on a license application, being under the age of 21 years, being in the rears for child support payments, and being unsuitable as an applicant having due consideration for the order proper protection of public health, safety, morals, good character and general grip for the welfare of the inhabitants of Carson City. **Member Giomi stated that he could make the last finding given the last statement and due to the fact that corporate should have had knowledge that a liquor manager was required (yet they had operated without one for 15 months); however, they had chosen to ignore that fact. Member White seconded the amended motion.** Chairperson Bagwell wished to see a penalty assessed to Save Mart and proposed that the two Save Mart Stores and the Food Max Store in Carson City remove all liquor from their store and not sell it until Ms. Beck’s application is approved. Member Giomi noted for the record “I would support the discussions here on the reapplication where each store has a manager on site. Ms. Sullivan requested a recess to consult with Mr. Tully.

(9:55:44) – Chairperson Bagwell recessed the meeting.

(10:05:05) – Chairperson Bagwell reconvened the Liquor and Entertainment Board meeting. A quorum was still present.

(10:05:40) – Chairperson Bagwell did not believe “that Mr. Norman has shown us good faith in following the rules...he has today, on the record, indicated that he would follow through and be diligent, so I want to give him an opportunity to be diligent, but you’re going to have to show me...” She recommended not approving Mr. Norman’s license for liquor manager for 10 days at which time he would provide the Staff with an on-site store liquor manager and cease selling liquor for 10 days [in all three stores]. She believed a denial would result in not selling liquor for 90 days, calling the latter a compromise. Member Giomi clarified for Mr. Norman that their license was not valid, and they could not sell liquor because without a manager there wouldn’t be a valid license. Member Giomi wished to amend his motion.

(10:15:13) – Member Giomi moved to approve the aforementioned liquor licenses (Liquor-007940-2023, Liquor-007943-2023, and Liquor-007945-2023) with the understanding that the liquor manager will not be in place; therefore [Save Mart and Food Max stores] cannot sell liquor until July 31, 2023 effective today (or as quickly as it can be removed) with the further caveat that the individual store [liquor] managers

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submit their applications by the end of next week [July 28, 2023]. Chairperson Bagwell entertained discussion.

(10:16:14) – Member White reminded the Board that many similar situations had come to light because of this case. He believed that Save Mart, as a corporation with a legal team, “should have known better,” as the City should also have. Member White noted that Mr. Norman could have brought the three stores into compliance, adding that he would not second the amended motion. **Member Schuette seconded the amended motion. Chair Bagwell reiterated the motion, noting that “Mr. Norman’s application to be the liquor manager would be approved, effective July 31, 2023 as long as the Community Development Office has received the three on-site [liquor manager] applications by July 28, 2021.”** Member Giomi clarified that the store will be unable to sell liquor until the aforementioned applications have been submitted.

(10:19:05) – Mr. Norman received confirmation that the three stores will not be able to sell liquor until July 31, 2023. Mr. Tully read into the record “the basis for denial for unsuitability” from the Carson City Municipal Code (CCMC) 4.13.125 paragraph 2.e: *“A person whom the [hearings officer or] board determines is not a suitable person to receive a liquor license under the provisions of this Chapter, having due consideration for the proper protection of public health, safety, morals, good order and general welfare of the inhabitants of [Carson] City.”* The Chair reminded Mr. Norman that the Board was providing him an opportunity “to prove that suitability to us.” **Chair Bagwell called for the vote.**

RESULT:	APPROVED (5-1-0)
MOVER:	Member Giomi
SECONDER:	Member Schuette
AYES:	Members Furlong, Giomi, Horton, Schuette, and Chair Bagwell
NAYS:	Member White
ABSTENTIONS:	None
ABSENT:	None

18.b FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING APPLICATION NUMBER LIQUOR-007976-2023 ("APPLICATION") FROM HOMEGROWN BOWLING LLC FOR A DINING ROOM WITH HARD LIQUOR LICENSES WITH DANIEL DUNBAR AS THE LIQUOR MANAGER FOR HOMEGROWN BOWL, BAR, GRILL AND BILLARDS LOCATED AT 4600 SNYDER AVENUE, CARSON CITY, NV 89701.

This item was postponed.

19. PUBLIC COMMENT

(10:21:40) – Chairperson Bagwell entertained final public comments. Deni French received confirmation that the liquor would be removed from the stores until July 31, 2023, pending proof of suitability by the applicant.

20. FOR POSSIBLE ACTION: TO ADJOURN AS THE LIQUOR AND ENTERTAINMENT BOARD

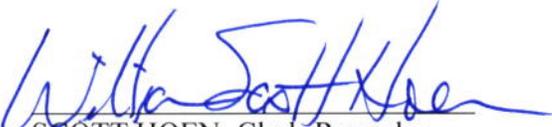
(10:22:44) – Chairperson Bagwell adjourned the Liquor and Entertainment Board meeting at 10:22 a.m.

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The Minutes of the July 20, 2023, Carson City Liquor and Entertainment Board meeting are so approved on this 18th day of January 2024.


LORI BAGWELL, Chair

ATTEST:


SCOTT HOEN, Clerk-Recorder